

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Ivan Guzman	Debtor	Chapter 13
		Bankruptcy No. 20-11882-amc
Citizens Bank N.A. f/k/a RBS Citizens N.A., or its Successor or Assignee	Movant	
	vs.	
Kenneth E. West, Trustee		
Ivan Guzman	Respondents	

**MOTION OF CITIZENS BANK N.A. F/K/A RBS CITIZENS N.A., OR ITS SUCCESSOR OR
ASSIGNEE FOR RELIEF FROM AUTOMATIC STAY UNDER § 362(a)**

Movant: Citizens Bank N.A. f/k/a RBS Citizens N.A., or its Successor or Assignee

Mortgage dated October 27, 2011 and recorded on November 29, 2011 in the Office of the Recorder of Philadelphia County as Document ID: 52417174.

Assignment of Mortgage dated September 21, 2016 and recorded on September 30, 2016 in the office of the Recorder of Philadelphia County as Document ID: 53117702.

1. Citizens Bank N.A. f/k/a RBS Citizens N.A., or its Successor or Assignee (hereinafter "Movant") holds a claim secured by a duly recorded Mortgage on property of Ivan Guzman, or of the bankruptcy estate located at: 4538 Tampa Street, Philadelphia, Pennsylvania 19124.

2. Ivan Guzman (hereinafter "Debtor") filed a Petition under Chapter 13 on April 1, 2020.

3. At the present time, the Mortgage requires payments each month of \$771.57.

4. Movant has not received regular mortgage payments and lacks adequate protection of its interests.

5. Debtor is in default of post-petition payments to the present date from July 1, 2022.

6. The total amount of the post-petition arrearage as of this date is \$1,204.61. This figure is broken down as follows:

-Two (2) delinquent payments, each in the amount of \$771.57, representing the months of July 2022 through August 2022

-Less suspense balance of \$338.53

7. Since August 12, 2022, Movant has incurred attorneys' fees in connection with this Motion.

8. Movant does not have and has not been offered adequate protection for its interest in said premises and may be required to pay expenses for said premises in order to preserve its lien, which is the obligation of the Debtor under said Mortgage.

9. Movant specifically requests permission from the Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

WHEREFORE, Movant prays for an order modifying the automatic stay of Bankruptcy Code §362(a) to permit Movant to foreclose its Mortgage and to exercise any other rights it has under the Mortgage or with respect to the mortgaged property such actions may include but are not limited to selling the property at Sheriff Sale, entering into a loan modification or signing a deed in lieu of foreclosure; and

Further, granting Movant permission from this Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with the applicable nonbankruptcy law.

/s/ Andrew M. Lubin, Esquire
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